

**CITY OF THE VILLAGE OF CLARKSTON
375 DEPOT ROAD
CLARKSTON, MI 48346**

**ZONING BOARD OF APPEALS
Minutes
Approved November 12th , 2020**

**Meeting held
Tuesday, September 15th , 2020
7:00PM**

- 1) Meeting called to order, 7:01pm
- 2) Meeting conducted via GOTO Meeting: Roll call: Catallo, DaCosta, Meyland, Basinger – all present
- 3) Approval of Agenda – Motion to approve agenda made by Catallo, seconded by DaCosta.

In favor: Meyland, DaCosta, Catallo, Basinger
Opposed: None
- 4) Corrected minutes from the May 2, 2017 ZBA Meeting will be reviewed at the next Open meeting of the ZBA. Additionally, the ZBA vacancies will be addressed by the City Council prior to future ZBA meetings.

NEW BUSINESS

- 1) Case 20-001 - Application re: 7 Buffalo Street, seeking a variance for the improvement of a non-conforming structure in order to construct an addition that will connect the existing home to a new garage. Applicant is also requesting a variance for front, rear, side yard set backs, in addition to lot coverage. Applicants Jason and Rhiannon Cherwak.

The applicants reviewed their proposal to build a 2 car garage, attached to the existing home, on the North side of the property, with a second story that would include living space, and a pool to the east. Currently their backyard does not provide a safe, private environment. An arborist was consulted to minimize the impact of their proposal on the 100 year old oak tree on the property. The current garage on the property is a 1 car garage. The primary goal was to create a private backyard. An HDC certificate of appropriateness has been received for the proposal.

The property was staked out and pictures were presented of the proposal.

Discussion of lot coverage: Applicants were questioned about whether steps were included in square footage, and clarification of 218 ft² associated with porch behind the proposed garage.. It was noted that the proposal is sympathetic to the historic structure, but the HDC is protecting the public welfare and historic district, while the ZBA is tasked with protecting the public health and welfare. In order for the seven criteria to be met, lot coverage should be reviewed in more detail.

The applicants stated that there is difficulty with no privacy and benefit for the family; For section 16, the 7 requirements C2 16.04 C, associated with a variance must be met. 2nd, use vs. dimensional variance. From the ZBA Handbook, any variance granted remains with the land/property.

The applicants restated their desire to create a safer space with the proposal, as the lot in its current configuration has no privacy. Previous variances for 44 Washington Street and 24 E Washington Street were raised by the applicants, and the ZBA clarified that for 44 Washington Street the minutes showed an incorrect value, and confirmed that the revised non conforming lot coverage increase was 0.7%. For 24 E Washington Street, the footprint did not change so there was no extension of a non conformance, only changes to setbacks.

Carol Eberhardt (38 E Washington St.) stated that placement of a 6' fence would impact her streetscape view, and be subject to setback requirements. She also confirmed that the proposal considered included provisions that did not affect the views from her property.

The ZBA summarized that in cases where a variance is considered, there is precedence where the minimum amount of variance is requested. The proposal as shown is seeking an increase of approximately 60% in lot coverage. Further discussion was held as to possibilities for reduction of variances that could be considered, including elimination of pool, reduction of square footage of newly proposed garage, elimination of current 1 car garage, etc.

After further discussion, the applicants indicated that they would like to table their proposal for further review.

Catallo made a Motion:

- 1) That the ZBA table the Application case 20-001, re: 7 Buffalo Street, seeking a variance for the improvement of a non-conforming structure in order to construct an addition that will connect the existing home to a new garage. The applicants will review proposal and consider appropriate next steps.

Motion seconded by DaCosta:

In favor: Meyland, DaCosta, Catallo, Basinger
Opposed: None

Motion made to adjourn by DaCosta, seconded by Basinger.

In favor: Meyland, DaCosta, Catallo, Basinger
Opposed: None

Adjourned at 8:50 p.m.

Respectfully submitted,

Scott Meyland
ZBA Chairperson